IN THE COURT OF SESSIONS JUDGE, SOLAPUR

Criminal Misc. Appln. No. 224/2025
CNR : MHSO01-003801-2025

Santosh Kedarnath Mane ... **Applicant**
V/s.
The State of Maharashtra … **Opponent**
…..

ORDER BELOW EXH. 1
(Dated 13th March, 2026)

01. Read the application and say. Perused the record. Heard both the sides and perused written notes of argument filed by the applicant below Exh.21.

02. This is an application under Section 408 of the Criminal Procedure Code (in short to be referred as the "Cr.P.C.") for transfer of Spl. Case No.45/2013 pending on the file of the learned Ad-hoc District & Addl. Sessions Judge, Solapur (Shri. S.V.Kendre) to any other Court and till decision of this application, to stay proceedings pending before the learned trial Court.

03. The grounds so raised seeking transfer, at the out set, in brief are regarding the functioning of the concerned Court and various allegations are levelled against the Presiding Officer of the concerned Court regarding his behaviour and not following the process of law. The applicant alleged that, since 06/11/2025, the learned trial Court marked absence of the applicant and his lawyer though they were present, gazed at them with anger, did not take documents filed by the applicant and his lawyer on record, kept file

of the case with him and did not provide the same to the advocate of the applicant, nor did allow the applicant and his advocate to see what orders have been passed by the Court and also to shout loudly at the applicant and his lawyer. The applicant has succinctly levelled various allegations against the learned trial Court by mentioning each subsequent date.

04. The prosecution has strongly opposed the application on the ground that, all the allegations are false and baseless and do not stand to the truth. The prosecution also claimed that, the applicant is in habit of prolonging the matter on this or that ground and therefore, the application deserves to be rejected.

05. The record reveals that, after filing of the application, initially, a prayer was made to call record and proceedings of the learned trial Court and upon refusal, the applicant filed a voluminous bunch of the certified copies of the record of the learned trial Court. Thereafter, the applicant filed an application under Section 294 of the Cr.P.C. (Exh.15) on record calling upon the prosecution to admit or deny the documents claiming that, for just decision of the present application, said process is necessary. Thereafter, applicant filed one vexatious application (Exh.18), wherein, he requested this Court to issue a summons to he himself and to direct him to produce some documents on record and claimed that, for proving his present application on merits, it is necessary to examine himself as a witness. Both these applications were rejected after hearing both the parties by observing that, the

application for calling this applicant himself as a witness in the Court is apparently vexatious, as he himself has filed the application for transfer and purpose of sending summons is only to give notice to the person to appear before the Court and when he himself was present in the Court and filed application, said fact itself shows that, said application was filed just to prolong the matter and was vexatious one.

06. It was also observed that, the application under Section 294 of Cr.P.C. calling upon prosecution to admit or deny the documents is out of ambit of Section 408 of the Cr.P.C. as neither said section purports any enquiry nor any trial while considering application under said section.

07. All these aspects clearly show that, this applicant is only interested in filing such type of applications by making baseless allegations and this application for transfer of the case on the face of it, appears to be absolutely vexatious, as all the baseless and contemptuous allegations are levelled against the learned trial Court. Therefore, on one hand, the application is devoid of merits and on the other hand, since the nature of allegations so levelled in the application themselves show that, the applicant is engaged in abuse of process of law by filing such vexatious applications by levelling baseless allegations against the learned Judge of the trial Court, therefore, application deserves to be dismissed and it also calls for imposition of compensation as per the provisions of Section 407 (7) of the Cr.P.C. as said provision is also applicable in relation

to an application to the Sessions Judge exercising jurisdiction under Section 408 of the Cr.P.C.

08. More over, since the matter appears to be of the year 2013, necessary directions for expediting the same are also required to be given. Hence, following order.

: **O R D E R** :

1) Cri. Misc. Appln. No.224/2025 is dismissed with direction to pay compensation of Rs.1000/- (Rupees One Thousand only).

2) The applicant to deposit the compensation as mentioned above within 3 days from the date of this order. After depositing the amount of compensation by the applicant, the same be credited to the Govt.

3) The learned trial Court to expedite the hearing of the case i.e. Spl. Case No.45/2013 and decide the same on merits as per the provisions of law as early as possible.

MANOJ SHIVPRASAD SHARMA
Digitally signed by MANOJ SHIVPRASAD SHARMA
Date: 2026.03.17 16:37:57 +0530

Date : 13/03/2026

(**Manoj S. Sharma**)
Sessions Judge,
Solapur

CERTIFICATE

I affirm that, the contents of this PDF file order are same word to word, as per the original order.

Name of the Court Court	:	Principal District & Sessions Solapur.
Name of Stenographer	:	Sou. M.C.Javalgekar
Date	:	13/03/2026
Order signed by the Presiding Officer on	:	17/03/2026
Order uploaded on	:	17/03/2026